

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT KNOXVILLE**

UNITED STATES OF AMERICA)	
)	
)	
v.)	No. 3:05-CR-13
)	VARLAN
SAMUEL R. FRANKLIN,)	

**RESPONSE TO DEFENDANT’S MOTION TO BE RELEASED PENDING
SENTENCING**

The United States of America, by and through the United States Attorney for the Eastern District of Tennessee, hereby files this response to defendant’s motion to be released pending sentencing and states the following:

1. The defendant concedes that he is pleading guilty to a “crime of violence” as defined in 18 U.S.C. 3156(a)(4)(A) and is subject to mandatory detention pursuant 18 U.S.C. 3143(a)(2).

2. The defendant relies on a provision of 18 U.S.C. 3145(c) which states the defendant may be released “...if it is clearly shown that there are exceptional reasons why ...detention would not be appropriate.”

3. The “exceptional reasons” cited by the defendant are details related to his personal character. These reasons consist of a paragraph detailing his employment history at the Campbell County Sheriff’s Office and a paragraph detailing his military service. The defendant further states that his personal character is “out of the ordinary, uncommon and rare.”

4. Even painting the defendant’s employment history and military service in the best possible light, it seems a bit of a stretch to state that these make his personal character “out of

the ordinary, uncommon and rare.”

5. The defendant has not “clearly shown” that these are “exception reasons” why he should not be detained pending sentencing as called for by the statutes and defendant’s motion should be denied.

Respectfully submitted this 17th day of February, 2005.

HARRY S. MATTICE, JR.
UNITED STATES ATTORNEY

By: /s/ Charles E. Atchley, Jr. _____
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CERTIFICATE OF SERVICE

I hereby certify that on February 17, 2005, a copy of the foregoing response was filed electronically. Notice of this filing will be sent by operation of the Court's electronic filing system to all parties indicated on the electronic filing receipt. Opposing counsel may access this filing through the Court's electronic filing system. Any counsel not named as being served electronically will be served by regular U.S. mail or facsimile.

/s/ Charles E. Atchley, Jr. _____
CHARLES E. ATCHLEY, JR.
Assistant United States Attorney